

Amendments to the Claims

This listing of Claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

- 1) (Original) Apparatus arranged as eyewear comprising a flip-up member coupled to a frame member about a pivot axis whereby said flip-up member freely rotates from an up terminal position to a down terminal position, said flip-up member being held in the down terminal position to said frame member by magnetic forces.
- 2) (Original) Apparatus of claim 1, said flip-up member having sunglasses tinted lenses and said frame member without lenses.
- 3) (Original) Apparatus of claim 2, comprising a hinge coupling between said frame member and said flip-up member, said hinge coupling being mechanically loaded by a spring.
- 4) (Original) Apparatus of claim 3, said spring being arranged and biased to advance the flip-up member towards the up terminal position.

- 5) (Original) Apparatus of claim 4, said frame member being further comprised of at least one magnet element arranged to hold said flip-up member against the force of the spring.
- 6) (Original) Apparatus of claim 4, said flip-up member being further comprised of at least one magnet element arranged to hold said flip-up member against the force of the spring.
- 7) (Original) Apparatus of claim 4, said frame member being further comprised of at least one magnet element and said flip-up member being further comprised of at least one magnet element, said magnets being arranged to hold said flip-up member against the force of the spring.
- 8) (Original) Apparatus of claim 5, said at least one magnet being arranged on an adjustable mechanism whereby its position may be easily altered to better couple with the flip-up member or magnets thereon.
- 9) (Original) Apparatus of claim 8, said adjustable mechanism is a metallic wire arrangement which couples said magnet to said frame member.

10) (Amended) Apparatus of claim 1,

said frame member comprising two cross elements, two temple elements, a bridge element having two ends, and a pair of magnet elements, the two temple elements being connected to either of the two cross elements, the bridge element being connected on either end to the two cross elements, the cross elements being curved about the perimeter of an optical view path, one magnet each being affixed to an outside portion of either cross element; and

said flip-up member comprising a two shaded lenses, two metallic lens periphery supports, a bridge element having two ends, and a pair of magnet elements, the metallic lens periphery supports each being connected to either end of said bridge element, said pair of magnets being affixed to said metallic lens periphery supports in a position corresponding to those magnets affixed to frame member cross elements whereby when the flip-up member is pushed to the frame member the magnets align and contact to hold the flip-up member against forces of ~~the frame member~~ a spring.